



Genova Burns LLC
494 Broad Street, Newark, NJ 07102
Tel: 973.533.0777 Fax: 973.533.1112
Web: www.genovaburns.com

Angelo J. Genova, Esq.
Partner
Member: NY, NJ & PA Bar
agenova@genovaburns.com
Direct: 973-535-7100

November 10, 2017

VIA ECF FILING

Honorable John Michael Vazquez, U.S.D.J.
United States District Court
District of New Jersey
50 Walnut Street
Newark, New Jersey 07102

Re: Democratic National Committee, *et al.*, v. Republican National Committee, *et al.*, Docket No.: 81-3876

Dear Judge Vazquez:

I write to notify the Court of an article published today in *Politico*, a copy of which is attached hereto as Exhibit A. The article states that, in a recent interview, Sean Spicer explained that on Election Day in 2016—when he was serving as the communications director for the RNC—Spicer was part of a group gathered on the fifth floor of Trump Tower. The article notes that “four people who worked with Spicer on the campaign and at the RNC reached out to POLITICO to express surprise that he highlighted his presence on the fifth floor — which served as the nerve center of the campaign’s poll-monitoring operation and data war room that day — because party employees were given strict instructions prohibiting them from going there.” The article also explains that, “[o]n election night last year, Trump campaign operatives on the ground across the country were instructed to call into the war room on the fifth floor if they witnessed any ‘voter fraud’ at poll sites across the country....”

As set forth in previous filings, the Trump campaign made it abundantly clear prior to the election that it would be conducting ballot-security efforts. And Exhibit A shows that a senior RNC official was at the nerve center of those efforts on Election Day.



Honorable John Michael Vazquez, U.S.D.J.
November 10, 2017
Page 2

In light of this information, the DNC respectfully requests that the Court reconsider its prior rulings as to the scope of discovery in this matter. The DNC notes that the discovery it has obtained so far did not include any information about Mr. Spicer's activities on Election Day; those activities came to light only because of *Politico*'s reporting. In the alternative, the DNC requests that it be permitted to conduct discovery into Mr. Spicer's activities on Election Day in 2016. Given that any communications that Mr. Spicer had with Trump campaign officials on the fifth floor of Trump Tower on Election Day potentially violated the terms of the Consent Decree, discovery into the substance of those communications is amply justified.

Thank you for your consideration of this request.

Respectfully submitted,

GENOVA BURNS LLC

/s/ Angelo J. Genova

ANGELO J. GENOVA

Counsel for Plaintiff DNC

AJG

Enclosure

cc: Rajiv D. Parikh, Esq. (via electronic mail)
Marc E. Elias, Esq. (via electronic mail)
Bruce V. Spiva, Esq. (via electronic mail)
Joshua L. Kaul, Esq. (via electronic mail)
Mark D. Sheridan, Esq. (via electronic mail)
Mark Errico, Esq. (via electronic mail)
Bobby R. Burchfield, Esq. (via electronic mail)
Matthew M. Leland, Esq. (via electronic mail)
Barrett R. H. Young, Esq. (via electronic mail)

14164014v1 (1856.006)